

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

FILED
ASHEVILLE, N. C.

AUG 11 2005

U.S. DISTRICT COURT
W. DIST. OF N. C.

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

Civil Action No. 2:05cv202

AN EASEMENT AND RIGHT-OF-
WAY OVER 0.52 ACRE OF LAND,
MORE OR LESS, IN CHEROKEE
COUNTY, NORTH CAROLINA

DEBORAH L. WILLETTE
ERNEST WILLETTE, her husband
THE HOME BANK
Defendants

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court that the parties, as shown by the signatures below, have agreed to settle this action as hereinafter provided;

It is, therefore, Ordered and Adjudged that:

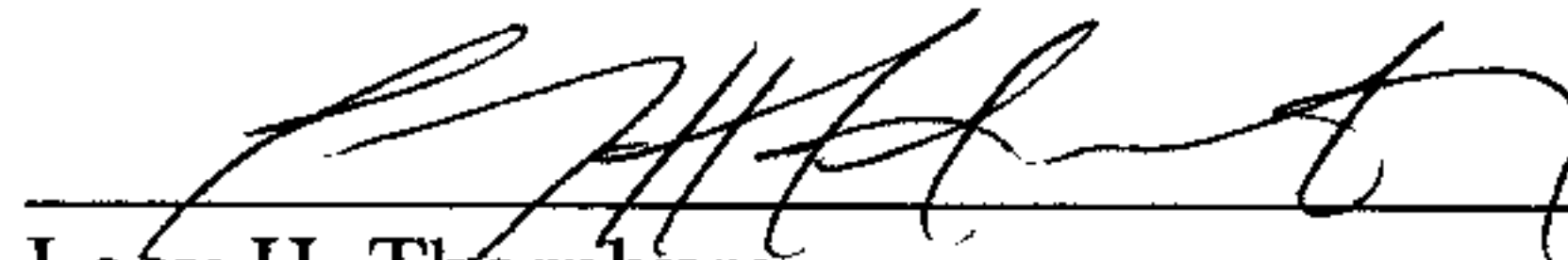
1. The Defendants shall recover of the Plaintiff \$9,850 as full compensation for the taking of the easement and right-of-way herein condemned.
2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein

on June 21, 2005, is hereby fully and finally confirmed with respect to the easement and right-of-way described in Exhibit A attached hereto and made a part hereof (it being the same as Exhibit A to the Declaration of Taking herein).

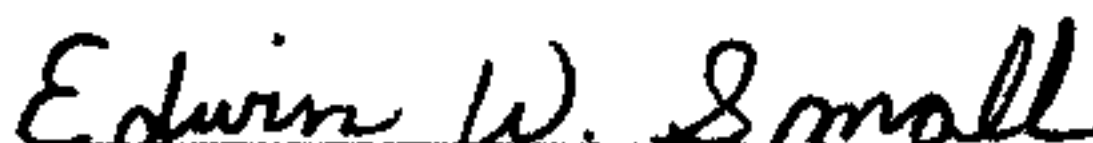
3. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$9,850 payable to Deborah L. Willette and The Home Bank, and to mail the check to Deborah L. Willette at 637 Belmont Circle, Port St. Lucie, Florida 34953.

4. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

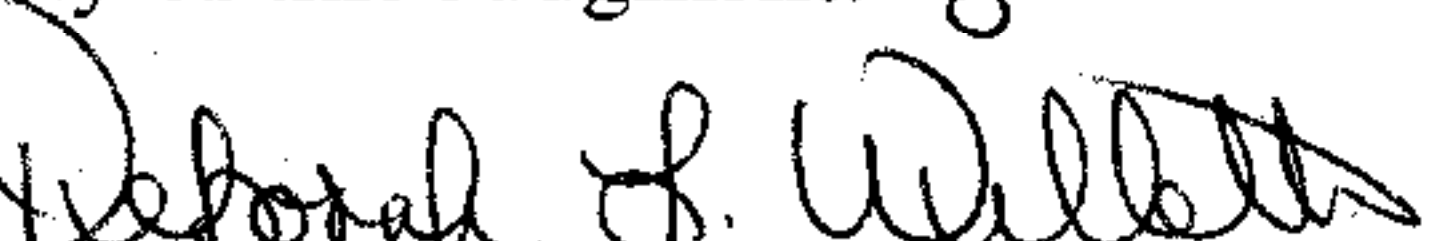

This 11th day of August, 2005.


Lacy H. Thornburg
United States District Court Judge

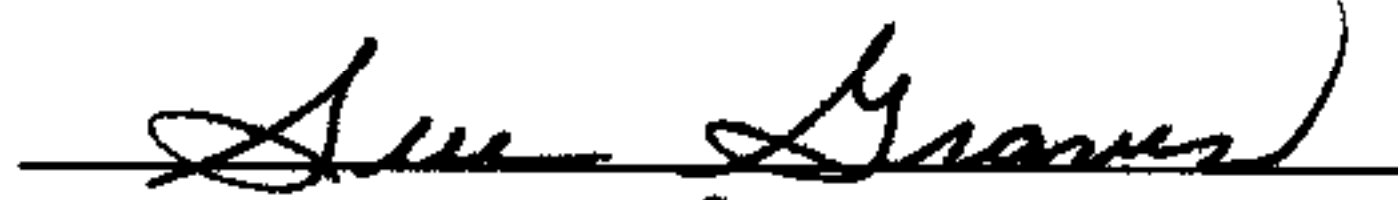
We hereby approve and consent to the entry of this Judgment:


Edwin W. Small
Assistant General Counsel
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Telephone 865-632-3021
Facsimile 865-632-6718

Attorney for Plaintiff


Deborah L. Willette

Ernest Willette

The Home Bank
1911 West U.S. Highway 64
Murphy, North Carolina 28906

By: 
Title: Vice President
Defendants

TRACT NO. MURBTR-24

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of Plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. MURBTR-24

A parcel of land located in the Notla Township of Cherokee County, State of North Carolina, as shown on a map entitled "Murphy-Blairsville Transmission Line Tap to Ranger Transmission Line," drawing LW-7869, sheet P3B, R.3, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Beginning at a point, the said point being an iron pin which is a common corner in the lands of Deborah L. Willette, Linda Dale McCormick, et vir, and Silvio C. Russo, et ux., the said point being 4.25 feet right of the centerline of the transmission line location at survey station 88+43.11; thence leaving the said common corner and with the property line between Deborah L. Willette and Silvio C. Russo, et ux., N. 83° 35' 37" W., 57.04 feet to a point, the said point being an iron pin which is a common corner in the lands of Deborah L. Willette, Silvio C. Russo, et ux., and Ben Money, et ux., the said point being 0.89 feet right of the centerline of the location at survey station 89+00.05; thence leaving the said common corner and the said property line and with the property line between Deborah L. Willette and Ben Money, et ux., N. 59° 47' 39" E., 76.42 feet to a point on the north right-of-way line of the location, the said point being 50 feet right of the centerline of the location at survey station 88+41.50; thence leaving the said property line and with the said north right-of-way line of the location S. 80° 13'

10" E., 365.11 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 84+70.28; thence continuing with the said north right-of-way line of the location N. 85° 50' 50" E., 205.82 feet to a point on the property line between Deborah L. Willette and Judith H. Tuohy, the said point being on the centerline of Boulder Creek Road and being 50 feet right of the centerline of the location at survey station 82+58.34; thence leaving the said north right-of-way line of the location and with the centerline of the said road and the said property line S. 08° 30' 59" W., 61.84 feet, crossing the centerline of the location at survey station 82+69.6 (51.24 feet), to a point which is a common corner in the lands of Deborah L. Willette, Judith H. Tuohy, and Linda Dale McCormick, et vir, the said point being 10.34 feet left of the centerline of the location at survey station 82+71.91; thence leaving the said common corner, the centerline of the said road, and the said property line and with the property line between Deborah L. Willette and Linda Dale McCormick, et vir, N. 83° 35' 37" W., 568.84 feet, crossing the centerline of the location at survey station 83+27.4 (56.41 feet), to the point of beginning and containing 0.52 acre, more or less.

Recording Information: Record landowners as of the date of the filing of the Declaration of Taking — Deborah Willette (Deed Book 777, page 148).

Parcel identification number: 4580 03 03 1286 000

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